

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TEAMSTER MEMBERS RETIREMENT PLAN f/k/a  
GCIU INTER-LOCAL PENSION PLAN, *et al.*,

Plaintiffs,

v.

ALLIANZ GLOBAL INVESTORS U.S. LLC,

Defendant.

Case No. 1:20-cv-07154-KPF

**STIPULATION OF PARTIAL VOLUNTARY DISMISSAL**

Plaintiffs, consisting of Teamster Members Retirement Plan f/k/a GCIU Inter-Local Pension Plan (the “Teamsters Fund”), Board of Trustees of Teamster Members Retirement Plan (the “Teamsters BOT”), Bricklayers and Masons’ Local Union No. 5, Ohio Pension Fund (the “Bricklayers Fund”), Board of Trustees of Bricklayers and Masons’ Local Union No. 5, Ohio Pension Fund (the “Bricklayers BOT”), Rasmani Bhattacharya and Claude Pumilia (the “Bhattacharya/Pumilias”); and Defendant Allianz Global Investors U.S. LLC (“AllianzGI”) agree and stipulate as follows:

WHEREAS, on December 23, 2020, Plaintiffs filed a Second Amended Complaint in this Action (ECF No. 58, the “SAC”);

WHEREAS, the First, Second, Third, and Fourth Causes of Action in the SAC assert, respectively, claims for Breach of Fiduciary Duty, Breach of Contract, Breach of the Duty of Good Faith and Fair Dealing, and Negligence, on behalf of all Plaintiffs (the “Common Law Claims”);

WHEREAS, the Fifth and Sixth Causes of Action in the SAC assert claims under the Employee Retirement Income Security Act of 1974 on behalf of the Bricklayers Fund, the Bricklayers BOT, the Teamsters Fund, and the Teamsters BOT (the “ERISA Claims”);

WHEREAS, on February 25, 2021, Defendant filed a motion to dismiss the Common Law Claims asserted by the Bricklayers Fund and the Bricklayers BOT (the “Bricklayers MTD”);

WHEREAS, on February 25, 2021, Defendant filed an omnibus motion to dismiss certain claims common to some or all of the Related Actions (the “Omnibus MTD”);

WHEREAS, the only arguments that Defendant has asserted in support of the dismissal of the ERISA Claims are those contained in the Omnibus MTD; and

WHEREAS, the Bricklayers MTD does not address the ERISA Claims asserted by the Bricklayers Fund, the Bricklayers BOT, the Teamsters Fund, or the Teamsters BOT;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs and AllianzGI, as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Bricklayers Fund and the Bricklayers BOT hereby voluntarily dismiss their Common Law Claims without prejudice, with each party to bear its own costs.
2. The Common Law Claims asserted in this Action by the Teamsters Fund, the Teamsters BOT, and the Bhattacharya/Pumilias remain subject to the Omnibus MTD.
3. The ERISA Claims asserted in this Action by the Bricklayers Fund, the Bricklayers BOT, the Teamsters Fund, and the Teamsters BOT remain subject to the Omnibus MTD.
4. This Stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile or PDF form, each of which shall be deemed an original. This Stipulation, once fully executed, may be submitted to the Court without further notice to any party.

DATED: April 22, 2021



---

William C. Fredericks  
Donald A. Broggi  
Zachary M. Vaughan  
SCOTT+SCOTT ATTORNEYS AT LAW  
LLP  
The Helmsley Building  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Telephone: (212) 223-6444  
Facsimile: (212) 223-6334  
wfredericks@scott-scott.com  
dbroggi@scott-scott.com  
zvaughan@scott-scott.com

*Counsel for Plaintiffs*



---

Robert J. Giuffra, Jr.  
Stephanie G. Wheeler  
Kathleen Suzanne McArthur  
Ann-Elizabeth Ostrager  
Hilary M. Williams  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004-2468  
Telephone: (212) 558-4000  
Facsimile: (212) 558-3588

*Counsel for Defendant*



---

Robert A. Skinner  
Amy D. Roy  
Mary Elizabeth Brust  
Cole A. Goodman  
ROPES & GRAY LLP  
Prudential Tower  
800 Boylston  
Boston, MA 02199  
Telephone: (617) 951-7000  
Facsimile: (617) 951-7050

*Co-Counsel for Defendant*